

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

WILDERNESS WATCH,

Civil No. 23-cv-00284 (NEB/LIB)

Plaintiff,

v.

MOTION FOR JUDICIAL NOTICE

TOM HALL, Forest Supervisor of the
Superior National Forest; and UNITED
STATES FOREST SERVICE, an agency
of the U.S. Department of Agriculture,

Defendants.

Wilderness Watch respectfully requests the Court take judicial notice of the following documents and resources, for purposes of the Summary Judgment motions being heard by the Court on April 28, 2025. On Wednesday, April 23, 2025, significant updates were made to the Superior National Forest webpage. *See* Superior National Forest, <https://www.fs.usda.gov/r09/superior> (last visited April 25, 2025). In reviewing the updates, counsel for Wilderness Watch discovered several documents that they had not previously seen and were not part of the administrative record in this case. Because these are publicly available agency documents, available through the Defendant Agency's website, the Court may take judicial notice of the documents and the material therein. *See Missourians for Fiscal Accountability v. Klahr*, 830 F.3d 789, 793 (8th Cir. 2016) (citing *Pickett v. Sheridan Health Care Ctr.*, 664 F.3d 632, 648 (7th Cir. 2011) (recognizing “the authority of the court to take judicial notice of government websites”)); *United States v. Eagleboy*, 200 F.3d 1137, 1140 (8th Cir. 1999) (taking judicial notice of agency

documents).

The documents are the following, and are attached as Exhibits 1 – 3 of the Declaration of Rachel Kitze Collins, filed herewith:

- USDA, Boundary Waters Canoe Area Wilderness Trip Planning Guide (2023), available at <https://usfs-public.app.box.com/v/BWCAW-TripPlanner> (Exhibit 1).
 - A previous version of this document was available on the Superior National Forest’s website, but this version appears to have been recently made available. Wilderness Watch intends to use it primarily for purposes of the maps on pages 12-13 of the document.
- Tricker, Schwaller, Hanson, Mejicano, & Landres, USDA, *Mapping Wilderness Character in the Boundary Waters Canoe Area Wilderness* (April 2017), available at <https://usfspublic.app.box.com/s/6xs99dyvixfkdr1sqs3qvahm9m3ydtm> (Exhibit 2).
 - This document is referenced in the administrative record, but was not included in the administrative record. Wilderness Watch intends to use it primarily for the discussion and maps on pages 72-74 of the document.
- Knapp & Owen, Udall Foundation, *Boundary Waters Canoe Area Wilderness Situational Assessment: Challenges and Opportunities* (June 2023), available at

<https://usfs-public.app.box.com/s/6matyfc dy5dy8azllw9lhbm gipxa7wk v>

(Exhibit 3).

- The relevant information in this document includes discussion of towboats on pages 16-17, and 21.

In addition, Wilderness Watch also intends to reference a map of the Boundary Waters available from the Interactive Visitor Map, available at <https://www.fs.usda.gov/ivm/>, which is a mapping resource provided by the Forest Service. This map will be used for illustrative purposes only.

Wilderness Watch consulted with counsel for Defendants, and Defendants take no position on this motion. Accordingly, Wilderness Watch respectfully requests the Court take judicial notice of these documents.

Respectfully submitted,

DATE: April 25, 2025

s/Rachel A. Kitze Collins

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